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| APPLICATION NO. | FILING DATE | FIRST NAMED INVENTOR | ATTORNEY DOCKET NO. | CONFIRMATION NO. |
|-----------------|-------------|----------------------|---------------------|------------------|
| 10/615,483      | 07/08/2003  | Jack I. J'maev       | JJ-038-US           | 8984             |

54556 7590 06/28/2006

INTELLECTUAL PROPERTY DEVELOPMENT  
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| EXAMINER |
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FISHER, MICHAEL J

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| ART UNIT | PAPER NUMBER |
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3629

DATE MAILED: 06/28/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

# Office Action Summary

Application No.

10/615,483

Applicant(s)

J'MAEV, JACK I.

Examiner

Michael J. Fisher

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

## Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

## Status

- 1) ☒ Responsive to communication(s) filed on 06 May 2006.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

## Disposition of Claims

- 4) ☒ Claim(s) 18-30 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 18-30 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

## Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

## Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
  - ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

## Attachment(s)

- ☐ Notice of References Cited (PTO-892)
- ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)  
Paper No(s)/Mail Date \_\_\_\_\_.
- ☐ Interview Summary (PTO-413)  
Paper No(s)/Mail Date. \_\_\_\_\_.
- ☐ Notice of Informal Patent Application (PTO-152)
- ☐ Other: \_\_\_\_\_.

## **DETAILED ACTION**

### ***Claim Rejections - 35 USC § 112***

The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

Claim 22 is rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

It is unclear how the recall notice identifier can be assigned to a recall notice signal that is then created. Specifically, it would appear that the signal was already generated.

### ***Claim Rejections - 35 USC § 103***

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

The factual inquiries set forth in *Graham v. John Deere Co.*, 383 U.S. 1, 148 USPQ 459 (1966), that are applied for establishing a background for determining obviousness under 35 U.S.C. 103(a) are summarized as follows:

1. Determining the scope and contents of the prior art.
2. Ascertaining the differences between the prior art and the claims at issue.
3. Resolving the level of ordinary skill in the pertinent art.
4. Considering objective evidence present in the application indicating obviousness or nonobviousness.

Claims 18,19 and 21-30 are rejected under 35 U.S.C. 103(a) as being unpatentable over US PAT 6,611,201 to Bishop et al. (Bishop).

As to claims 18,23,27, Bishop discloses a method for managing product recall notice signals (col 15, lines 62-64), transmitting a recall signal (col 16, lines 16-20), an indicia (VIN) for a selected target group of products (col 16, lines 14-16), and storing in memory that the signal was received (col 16, lines 40-43).

Bishop does not, however, teach a 'correlation table' to assign transmission channels. Databases (correlation tables) are very well known in the art to use to store data, therefore, it would have been obvious to one of ordinary skill in the art to use a database for the storage of information as Bishop would inherently need to store information on the vehicles in the program. Bishop further does not teach storing the date and time the signal was transmitted. The examiner takes Official Notice that it is very well known in the art for computers to record the date and time information was saved. As discussed above, Bishop teaches storing that the transmission was received to resolve disputes (col 16, lines 42-45), therefore, it would have been obvious to one of ordinary skill in the art to record the date and time of the transmission as this would ensure that, in the event of a dispute, the time of the transmission would be recorded so one party could not say that the transmission was either sent in a timely fashion when it had not or to prove that the transmission was not sent in a timely fashion when it had been.

As to claim 19, Bishop discloses sending a recall notice. Bishop further teaches the signal as containing information for which relay to trigger (col 16, lines 20-24) and

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"recall information" (col 16, lines 35-40). It would have been obvious to one of ordinary skill in the art to include a recall identifier with the text of the recall notice as Bishop has shown to save the information for dispute resolution (col 16, lines 42-46), and the nature of the recall could be the subject of a dispute.

As to claim 21, Bishop discloses various broadcast channels (20).

As to claim 22, as best understood, the signal would include the recall notice identifier as it is delivered.

As to claim 24, as discussed, Bishop discloses transmitting recall information. It would have been obvious to one of ordinary skill in the art to transmit only the recall notice identifier as this would reduce the bandwidth required to send the information.

As to claim 25, it would have been obvious to one of ordinary skill in the art to multiply transmit the signal to ensure that it is received by all systems.

As to claim 26, Bishop discloses storing in memory whether a signal was received (col 16, lines 42-46), and further, as Bishop shows that all devices transmit such an acknowledgement of the receipt, it would have been obvious to store in the memory that an acknowledgement was required.

As to claim 28, Bishop does not teach receiving the product identifier via a wide area network (WAN). The examiner takes official notice that WANs are very well known in the art, therefore, it would have been obvious to one of ordinary skill in the art to use a WAN to receive information to ease the process.

As to claim 29, Bishop does not teach receiving the product identifier via a web page on the Internet. The examiner takes official notice that using the Internet to receive

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information is very well known in the art, therefore, it would have been obvious to one of ordinary skill in the to use a web page on the Internet to receive information to ease the process.

As to claim 30, Bishop discloses using a network (fig 1).

Claim 20 is rejected under 35 U.S.C. 103(a) as being unpatentable over Bishop as applied to claims 18,19 and 21-30 above, and further in view of US PAT 5,442,553 to Parrillo.

Bishop discloses a method as discussed above.

As to claim 20, Bishop does not, however, teach using time slots for transmitting the information. Parrillo teaches a system for disseminating information to a vehicle (fig 1) using time slots (col 4, lines 66-68). It would have been obvious to one of ordinary skill in the art to modify the system as taught by Bishop with the time slots as taught by Parrillo as Parrillo teaches this as a good way to send and receive information from a vehicle without unnecessarily bothering the driver.

### ***Response to Arguments***

Applicant's arguments filed 5/6/06 have been fully considered but they are not persuasive. As to arguments that Bishop sends out signals that identify one or more relays, the examiner agrees. The examiner would further state that the signals also include information, as discussed in col 1, lines 63-66, specifically, "...to access, monitor, control, and/or *deliver information*..." Applicant should note that "access, monitor, control" refers to the relays, information refers to further information, such as

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the "recall information" as discussed in col 16, lines 37-38, which "recall information" is separate from "recall campaign notifications" as discussed in col 16, lines 35-36. The examiner sees nothing in Bishop that requires a manufacturer to anticipate possible safety hazards as Bishop explicitly discloses sending information and not just signals to relays. To send information out in time slots is not new, as is shown in the Parrillo reference. In response to applicant's argument that the Parrillo is nonanalogous art, it has been held that a prior art reference must either be in the field of applicant's endeavor or, if not, then be reasonably pertinent to the particular problem with which the applicant was concerned, in order to be relied upon as a basis for rejection of the claimed invention. See *In re Oetiker*, 977 F.2d 1443, 24 USPQ2d 1443 (Fed. Cir. 1992). In this case, both references are directed toward sending signals to vehicles. .

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Michael J. Fisher whose telephone number is 571-272-6804. The examiner can normally be reached on Mon.-Fri. 7:30am-5:00pm alt Fri. off.

The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

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Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

Michael Fisher



Patent Examiner  
GAU 3629



MF

6/22/06